

# ANNIVERSARY MESSAGE FROM THE CHIEF JUDGE OF THE U.S. DISTRICT COURT

by Aida M. Delgado Colon, Chief Judge, USDC-PR



As Chief Judge of the United States District Court for the District of Puerto Rico, it is an honor and my pleasure to invite all of you, fellow members of the judiciary, distinguished members of the federal bar and Unit Heads from state and federal agencies, to our District Court's celebration of its 50th anniversary as an Article III Court.

As you may know, immediately after the United States' intervention here, Puerto Rico was ruled by a military government. In 1899, Brigadier-General Davis, empowered by the provisions of General Order 88, created a U.S. Provisional Court in Puerto Rico. This Provisional Court was superseded when the U.S. Congress enacted the Foraker Act in 1900, which provided a new civil government for Puerto Rico.

Under the Foraker Act, the United States District Court for the District of Puerto Rico was considered a territorial court. Back then, federal judges served four (4) year terms. Thereafter and until 1966, judges were appointed to serve eight (8) year terms. Throughout these years, the number and complexity of the cases brought before the Puerto Rico federal court system were impressive and the presence of visiting judges was often necessary.

On January 28, 1952, President Harry S. Truman nominated Clemente Ruíz- Nazario to be the first native-born Puerto Rican United States District Judge. He was appointed to the bench after being confirmed by the United States Senate on March 15, 1952. After an outstanding career as a solo judge, Judge Ruíz-Nazario's call for the appointment of a due to Judge Cancio's initiative.

July 21, 1965, President Lyndon B. Johnson appointed Judge Hiram Cancio to the federal bench to fill the second seat, which Congress had created in 1961. Like his predecessors, Judge Cancio's appointment was for a fixed term. However, after his appointment, Congress, on September 12, 1966, enacted Public Law 89-571 (80 Stat. 764), which provided life tenure to the federal judges on our bench under the protections of Article III of the U.S. Constitution. Undoubtedly, the most significant advancement the statute intended to achieve was that "the judges in the District

Court of Puerto Rico were to become completely integrated into the federal judicial system."<sup>1</sup>

As the 1967 Annual Report of the Director of the Administrative Office of the U.S. Courts stated, upon conferring "the same life tenure upon the U.S. District Judges in Puerto Rico, as is provided for [other Article III district judges...] the last remaining barrier to the full and complete integration of the District Court in Puerto Rico into the federal constitutional judicial system has been eliminated."

Thus, on January 16, 1967, President Johnson proceeded to nominate Judge Cancio to become the first judge to serve in Puerto Rico with life tenure under Article III. Judge Cancio was confirmed by the Senate on June 12, 1967, and he served brilliantly on the bench until January 31, 1974. Interestingly, the fact that, to this day, the Puerto Rico flag is displayed together with that of the United States in every courtroom in our District is due to Judge Cancio's initiative.

On June 2, 1970, President Richard M. Nixon nominated José V. Toledo to serve on our Court and, on September 25, 1970, the United States Senate confirmed him. Upon receiving his commission on December 1, 1970, at the age of 39, he became the youngest member of the federal judicial system. He then became Chief Judge in 1974 on the same day that Judge Cancio retired. Regrettably, Judge Toledo passed away on February 3, 1980, but his ten years on the bench did not go unnoticed. During his short tenure, our District was transformed in all imaginable ways as he literally revolutionized the Court, especially its administrative structure. Judge Toledo modernized equipment, added support staff, and improved salaries. He also initiated the student law program, implemented the Speedy Trial Act of 1974, and obtained for the District professional library services and a second Magistrate Judge position. Due to his contributions to the Puerto Rico federal judiciary, the Old San Juan Courthouse was named, in 1999, the José V. Toledo Federal Building and United States Courthouse.

Since 1966, when two District Judge seats existed, and despite an ever increasing and ever more complex workload, only five (5) additional seats, for a total of seven (7) active judgeship positions, have been created. The last of these positions was created in 1978. Nonetheless,

<sup>1</sup> Legislative History, 2 USC Can 2786-2790 (1960).

*Continued on next page*

# MESSAGE...

*Continued from previous page*

nineteen (19) District Judges have been appointed to fill these seats. Currently, the District Court consists of seven (7) active District Judges, three (3) senior District Judges and four (4) Magistrate Judges. The District of Puerto Rico is the second largest district (the first being the District of Massachusetts) in the First Circuit.

Given the geographic and socio-economic conditions prevailing in our District, our criminal workload continues to increase. Civil filings, which for sometime experienced a reduction here as they did nationwide, have increased over the last two years.

From 2014 to 2015, civil filings increased 135.8% (from 925 to 2,181). Civil trial hours increased 55.7% between 2013 (241.8) and 2015 (376.4). In the last year alone, real property civil filings increased from 7 to 113 cases, representing, as of December 2015, 5.1% of our civil workload. So far this year, 1,518 real property foreclosure cases have been filed.

Criminal filings, while decreasing nationwide, have increased in Puerto Rico by 2.4% from 2014 to 2015. The District of Puerto Rico ranks first nationwide in weapons-related filings. In 2015, firearms cases constituted 32.5% of our criminal workload, far exceeding the national average of only 10%. Due to the number of drug cases filed, Puerto Rico is ranked first, nationwide, in the filing of multi-defendant cases. Drug filings account for 39.3% of our criminal workload, exceeding the national average of 31.8%. To date, the District of Puerto Rico generates 60.2% of the criminal workload that appears before the First Circuit Court of Appeals. Excluding the border states, Puerto Rico is the district with the third highest criminal workload in the nation. We are, in other words, a very busy court.

During the past 38 years, the number of judicial officers has not increased but the Court's administrative and operational structure, comprised of the Clerk's Office and Probation Office, has rapidly developed and modernized, especially during the last 20 years. The Clerk's Office, under the leadership of Frances Morán, our Clerk of Court for the past 22 years, embraced early on the improvements to be derived from technology. Courtrooms continue to be upgraded with necessary technology to facilitate litigants' practice, WiFi is available within all of our courthouses, and Puerto Rico was among the very first districts to switch over to electronic case filing (CM/ECF) and was the second district in the nation to implement electronic voucher filing under the Criminal Justice Act. Most recently, we have implemented a Jury Electronic System (JERS) that enables

litigants to submit, and jurors to receive, trial evidence in electronic format. Today, members of the bar comfortably operate in a "paperless" setting.

The Pre-Trial and Probation Office, as it now exists, has undergone a merger of its two main areas of work: one being the pre-trial activation of cases and the supervision of individuals on bail, and the other being the court services component which involves pre-sentence investigations and the supervision of individuals on supervised release. The office is staffed with approximately 85 officers and

SINCE 1966, THE FEDERAL  
JUDICIARY IN PUERTO  
RICO HAS UPHELD  
ITS COMMITMENT TO  
EXCELLENCE IN SERVICE NOT  
ONLY BY UPHOLDING THE  
U.S. CONSTITUTION AND  
LAW, BUT BY CONTRIBUTING  
TO THE FEDERAL JUDICIARY  
NATIONWIDE.

support personnel, even though their caseload warrants a larger number of positions. The Probation Office, since 2002, has been led by Mr. Eustaquio Babilonia who, while tackling an ever increasing workload, has raised the office to new heights. In 2015-2016, the District of Puerto Rico processed 50% of all active cases within the First Circuit; 47% of all post-conviction and pretrial supervision cases, 55% of all pretrial activations (bail reports), and 55.5% of all pre-sentence investigations completed in our Circuit. In addition, the Probation Offices remains active in developing an impressive Outreach Program, earning peer and nationwide recognition. Since 1966, the federal judiciary in Puerto Rico has upheld its commitment to excellence in service not only by upholding the U.S. Constitution and law, but by contributing to the federal judiciary nationwide. Puerto Rican born and Puerto Rico descendant judges serve the federal judiciary at all levels, from the Supreme Court, to the Courts of Appeals, to the District Courts. By our active participation on Judicial Conference Committees and our service throughout the federal judiciary, Puerto Rico's Article III District Court has faithfully carried out

*Continued on next page*

# MESSAGE...

*Continued from previous page*

its constitutional role and continues to fulfill its mission at both the local and federal level.

From FY 2011 through FY 2015, the Puerto Rico District Court has figured amongst the 20 most productive courts in the nation, with an average rank of the 15th most productive court of the 94 district courts in the United States. For FY 2015, we ranked 17th in the nation productivity-wise. Similarly, for FY 2015, the District of Puerto Rico ranked 33rd in the nation in civil trials, 22nd in criminal trials, 19th in trial hours and 7th in bench hours.

At the local level, the federal court has played an integral part in Puerto Rico's social and economic development and has been at the vanguard of securing civil rights and the core values essential to our democratic system. Within the past 50 years, all private or public surveys conducted in Puerto Rico have shown that the U.S. District Court for the entities earning the highest percentage of public trust and confidence.

Cognizant of the fact that we stand on the shoulders of those giants who preceded us, we publicly reaffirm at this, our 50th Anniversary, our Oath of Service. We are here to celebrate this milestone with fellow members of the federal and state judiciary, the local bar and the people of Puerto Rico.

The celebration events will take place from September 28 through September 30, 2016. During this celebration, we will host as our special guests: Chief Circuit Judge Jeffrey R. Howard, Circuit Judge Juan R. Torruella, and Justices of the Puerto Rico Supreme Court. This important milestone will bring together heads of state and federal agencies, fellow judges from other Districts in the First Circuit, Circuit Executives, and members of Committees of the Judicial Conference of the United States, along with representatives of the Administrative Office of the U.S. Courts.

Consistent with our lifetime commitment to the Bar, and in collaboration with the Federal Bar Association, we have developed a program geared to make our history, development and achievements known to local members of the bar and the community in general. Together, with fellow members of the state and federal judiciaries and with heads

of government agencies, we shall recognize those who have preceded us and those still among us, who through hard work and dedication have made this District Court excel.

During this three-day program, we will educate employers about the importance of jury service to our democratic system of government, conduct a Second Chance Program, which promotes rehabilitation through the employment of individuals on supervised release, and reach out to approximately 1,500 students from public schools with an educational program that alerts them to the risks associated with the improper use of social media while also promoting good values. As is customary, there will also be a continued legal education training session. Through these programs, you will learn about all the services and diverse outreach programs that the Court has sponsored in recent years. All these programs are geared not only to improve the professionalism and quality of services rendered by members of the bar, but to provide

educational opportunities for law students, enhance rehabilitation for the significant number of individuals in our District in need of educational and employment opportunities, and promote access to drug and mental health treatment programs.

I invite and thank the support of every member of the bar and judicial officer who aspires to equality and is determined to fulfill his or her duties guided by high moral and ethical standards, professionalism, hard work, and devotion to the principles of law, justice and democracy.

With this celebration, all Judicial Officers, Court Unit Executives and Court Employees acknowledge the devoted service of those who have preceded us in the Puerto Rico federal judiciary, thanks to whose hard work and commitment to the rule of law our Court is today recognized as "one among equals". Their achievements inspire us to reiterate our commitment to the people of Puerto Rico to continue to ensure their access to justice and the fair, firm and timely application of the law to every suit brought before this Court.

We also take this opportunity to assure the people of Puerto Rico that, aside from our daily duty to dispense justice, we remain committed, as an integral part of this community, to promoting the rule of law, trust and confidence in the judiciary, and the development of quality legal professionals, who shall themselves promote better opportunities, social action and positive reforms in our community.

